



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/135,926	08/18/98	BUSBOOM	G

PM11/0304
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EXAMINER

BATSON, V

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 03/04/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/135,926

Applicant(s)
BUSBOOM ET AL.

Examiner
VICTOR BATSON

Group Art Unit
3671



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 11-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 11-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Art Unit Change

1. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 3671.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11 & 12, are rejected under 35 U.S.C. 102(b) as being anticipated by Kidd (4,055,036).

Kidd discloses a multiblade lawn mower comprising a mower deck comprising a top wall 15, a front wall 13, a back wall (not numbered but shown in figure 4, and opposite side walls 16 defining a downwardly directed opening as shown in figure 5. Kidd further discloses each of said walls having interior and exterior surfaces, with the first side wall having a discharge opening 111 formed therein, with the discharge opening having rearward and forward ends, and with means 17 & 19 operatively connected to said mower deck for moving said mower deck along the

ground. Kidd further discloses a plurality of cutting blades 21 & 23 disposed within the mower deck, with power means 51 operatively connected to the cutting blades for causing rotation of each of said cutting blades, with a first flow control baffle 103 positioned in the mower deck which extends downwardly from the interior surface of the top wall between the cutting blades and said front wall as shown in figure 4. Additionally, Kidd discloses the first flow control baffle extending substantially continuously from a first location adjacent the interior surface of the second side wall to a second location adjacent the interior surface of the first side wall and adjacent the forward end of the discharge opening, with a second flow control baffle positioned in the mower deck which extends downwardly from the interior surface of the top wall rearwardly of the cutting blades as shown in figure 4. Furthermore, the second flow control baffle includes a plurality of semi-circular baffle portions 105 & 109, each positioned adjacent the blade tip path of one of the cutting blades. Also, Kidd discloses the first and second flow control baffles defining a plurality of open throat portions which are positioned between adjacent cutting blades as better identified (OTP1 & OTP2) in the inserted figure below with spaced apart baffle portions which direct cuttings from an associated cutting blade inwardly within the blade tip path of the cutting blade located downstream thereof (see also below). Additionally,

Kidd shows the first flow control baffle comprising a first arcuate baffle portion (FFCBAP1), a first elongated and substantially straight baffle portion (considered the combination of FFCBSP1 & FFCBSP2) and a second arcuate baffle portion (FFCBAP2) as shown in the enclosed modified figure. Kidd further shows the first elongated and substantially straight baffle portion being angularly disposed with respect to the blade tip path of the second cutting blade.

Concerning claim 12, Kidd shows the first and second flow control baffles having spaced-apart arcuate portions (FFCBAP1 & FFCBAP2, 105 & 109) which cooperate to define a semi-enclosed cutting chamber extending partially around the blade tip path of each of said cutting blades as shown in figure 4 and better identified in the inserted figure below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidd (4,055,036) in view of Loehr (5,129,217).

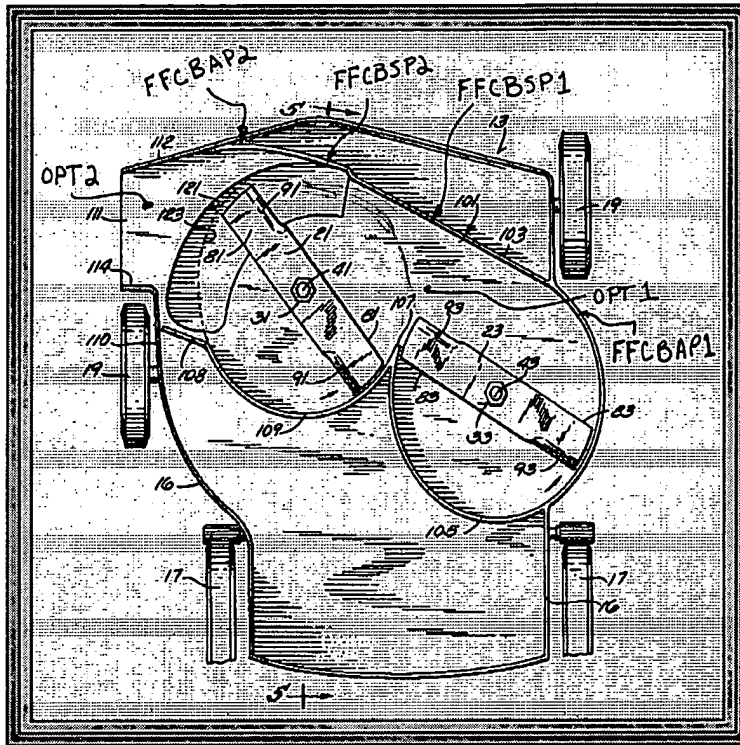
Kidd discloses a lawn mower as described previously, but lacks a plurality of selectively removable mulcher baffles which close the throat portions to define a substantially cylindrical mulching chamber around each of the cutting blades.

Loehr teaches that it is known in the art to use a plurality of selectively removable mulcher baffles 32 with a mower, to close the throat portions between the blades and define a substantially cylindrical mulching chamber around each of the cutting blades as shown in figures 2 & 3. The use of removable baffles allows the mower to be readily changed between mulching and nonmulching as described in the abstract.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to modify the lawn mower of Kidd by using a plurality of selectively removable mulcher baffles as taught by Loehr, so that the lawn mower of Kidd can be readily changed into a mulching mower.

Concerning claims 14 & 19, by enclosing the blades, the baffle of Loehr (particularly the baffle covering blade 21) would inherently close the discharge opening.

Concerning claim 15, since the shape of Loehr's removable mulcher baffles 32 are shaped to fit inside of flow control baffle 18, the removable baffles are considered to cooperate with the flow control baffles inside the mower deck.



Modified Figure

Concerning claims 16 & 20, Kidd, teaches that it is known in the art for multiblade mowers to use three cutting blades (figure 2) so that a large area of vegetation is cut. It is noted that as shown in figure 2, the third mower blade (considered the blade closest to the discharge chute, is positioned rearwardly of the central mower blade with an elongated and substantially straight baffle portion 18 adjacent the third cutting blade towards the discharge opening.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to modify the lawn

mower of Kidd by using a third cutting blade as taught by Loehr, so that a larger area of vegetation is cut.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record discloses various lawn mowers.

Inquiries

7. Any inquiry concerning this communication should be directed to Examiner Victor Batson whose telephone number is (703) 305-6356. The examiner can be normally reached Monday through Friday (except Wednesday) from 7:00 am to 5:00 pm, Eastern Standard Time.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-8716.

February 26, 1999

Victor Batson
Primary Examiner
Art Unit 3671